



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/767,459 01/23/01 AIZAWA

M F-6842

EXAMINER

MM91/1106

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
NEW YORK NY 10168

NGUYEN, T

ART UNIT

PAPER NUMBER

2834

DATE MAILED:

11/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/767,459

Applicant(s)
Aizawa et al

Examiner
Nguyen, Tran N

Art Unit
2834



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 13, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:

- ☒ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|--|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 20) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Response to Amendment

2. The reply filed on 9/13/01 is not fully responsive to the prior Office action (See 37 CFR 1.111.) because of the following matter(s):

Amended claims 1-3 and newly submitted claims 4-18 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Regarding amendment of the original claims 1-3, and newly added dependent claims 4-9, the invention originally claimed a rotor magnet constituted by mixing the magnetic powder of SmFeN in a resin binder and molding the mixture into a rotor. This is a product-of-process apparatus, i.e., the claimed invention is directed to a rotor structure of a process. However, the amendment with added of the following phrase:

made by a *method comprising the steps* of:

adding a magnetic powder comprising SmFeN to a resin binder *to form* a mixture;

molding the mixture *to form* cylindrically shaped body.....;

magnetizing portions of said circumference of said rotor *to form* at least one North pole....”

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These recitations are method-claimed language. The method of fabricating a rotor was **not** originally claimed. The originally claimed invention was directed to a product-of-process magnet rotor, i.e., the original claimed invention is about a magnet rotor structure **not** a method of making a magnet rotor.

This made the amendment to be fully responsive to the prior Office action because the applicant has directed the amended and newly added claimed invention to an invention that is independent or distinct from the originally claimed invention that had received prosecution on the merit by the first Office Action, filed on 5/9/01).

Regarding Claims 10-18 are directed straightly to **method of making** the magnet rotor. This **method of making** the rotor is directed to an invention that is independent/distinct from the invention originally claimed.

Since the applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim s withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the above-mentioned reply appears to be *bona fide*, the applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is

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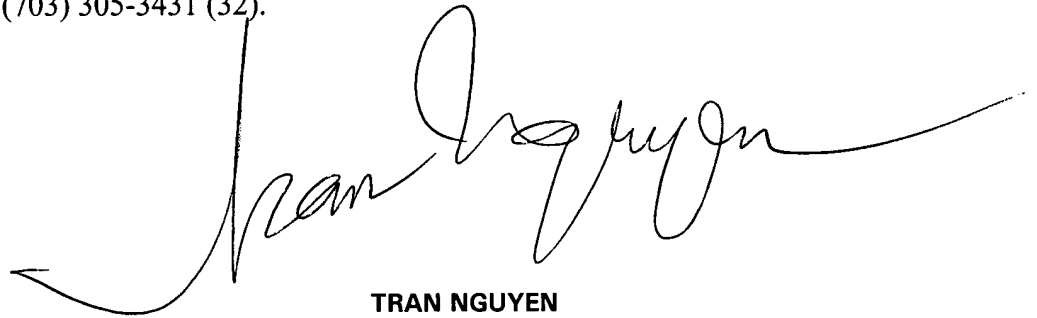
longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran Nguyen whose telephone number is (703) 308-1639.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956. The fax phone number for this Group is (703) 305-3431 (32).

A handwritten signature in black ink, appearing to read 'Tran Nguyen', with a long horizontal flourish extending to the right.

TRAN NGUYEN

PRIMARY PATENT EXAMINER

TC-2800